

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARESSE FRANCAVILLA, as mother and
natural guardian of MARCO FRANCVILLA, an
infant and CARESSE FRANCAVILLA,
individually,

Plaintiffs,

-against-

ICON HEALTH & FITNESS, INC., IHF
HOLDINGS, INC. and IHF CAPITAL, INC.,

Defendants.

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LINDSAY, Magistrate Judge:

ORDER
CV 04-1662 (ADS)(ARL)

Before the court is the defendants' letter application dated May 26, 2005 seeking a thirty day extension of the June 13, 2005 discovery deadline. Although this is the second request for an extension of the discovery deadline, the defendants' request is granted based on the fact that it did not receive the plaintiffs' expert report until May 20, 2005. Accordingly, the deadline for all discovery, inclusive of expert discovery, is extended to July 15, 2005. Any party planning on making a dispositive motion shall take the first step in the motion process by July 29, 2005. The parties are directed to consult Judge Spatt's individual rules regarding such motion practice. The final conference scheduled for July 11, 2005 is adjourned to August 10, 2005 at 11:30 a.m.

The plaintiffs have chosen not to be heard on this application or on the defendants' May 13, 2005 letter application seeking to file an amended answer, which also addressed the discovery schedule in light of the proposed amendment. Accordingly, the plaintiffs are warned that the court will not entertain an eleventh-hour application from the plaintiffs to extend the discovery

deadlines.

Dated: Central Islip, New York
June 3, 2005

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge